OIPE CONSTRUCTION OF APR 1 2 2001

Docket No. 269/106 2024730- 7013343001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the Application of:	) Group Art Unit: 3733
Robert M. Abrams, et al.	Confirmation No.: 1632
Serial No.: 10/038,730	) Examiner: Ram R. Shukla
Filed: January 2, 2002	)
For: LIQUID BASED VASO-OCCLUSIVE COMPOSITIONS	) )

## RESPONSE TO RESTRICTION REQUIREMENT TRANSMITTAL

M/S: **Non Fee** Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to Restriction/Election Requirement (2 page) for the above-identified application.

By:

Respectfully submitted,

BINGHAM McCUTCHEN LLP

Dated: 4/8/04

David W. Maher

Reg. No. 40,007

Maritza Kidd

BINGHAM McCUTCHEN LLP Three Embarcadero, Suite 1800 San Francisco, CA 94111-4067 (650) 849-4824

CERTIFICATE OF MAILING TRANSMISSION (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the Unites States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the M/S: Non-Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

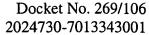
April 8, 2004

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Robert M. Abrams, et al.

Serial No.: 10/038,730

Filed: January 2, 2002

For: LIQUID BASED VASO-OCCLUSIVE

COMPOSITIONS

**Group Art Unit: 3733** 

Confirmation No.: 1632

Examiner: Ram R. Shukla

## RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

M/S: Non Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Election/Restriction Requirement mailed March 10, 2004, for the above-referenced application, Applicant hereby elects the invention of Group I (Claims 32 – 37, 40, 41, 43, 44, 46, 53 – 60), i.e., Group I), drawn to a precursor composition comprising polymer forming biodegradable material and a biologically active component wherein the biologically active component is a protein or peptide, classified in class 514, subclass 2. Applicant requests consideration of claims 38-39 with Group I, as it appears that claims 38-39 were inadvertently not addressed in the Restriction Requirement and should have been included in each group; these claims are dependent and do not fall exclusively within any of the recited groups.

Applicant elects the species polyglycolic acid for claim 35. Applicant elects the species polyhydroxybutyrate for claim 36. Applicant elects the species fibronectin of claim 43.

Patent Docket No. 249/104 24730-7094

Examination of the application is requested. Any questions regarding the above election should be brought to undersigned's attention.

Respectfully submitted, BINGHAM McCUTCHEN LLP

Dated:

4/8/04

By:

David W. Maher Reg. No. 40,077

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